

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

United States of America,)	CR. NO. 0:04-322 (CMC)
)	
v.)	OPINION and ORDER
)	
Vernon Paul McLean,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant's *pro se* motion for relief pursuant to 28 U.S.C. § 2255. On March 18, 2015, the Government filed a response to Defendant's motion indicating that in light of the Fourth Circuit's holding in *United States v. Hairston*, 754 F.3d 258 (4th Cir. 2014), Defendant's motion should be granted and the appropriate remedy would be to resentence Defendant. ECF No. 356.

The court **grants** the motion for relief under 28 U.S.C. § 2255. The Judgment Order in CR 0:04-322 filed February 4, 2005, is hereby **vacated**, and this matter is set for resentencing on **Wednesday, April 29, 2015, at 2:00 p.m.** The Federal Public Defender is appointed to represent Defendant for purposes of resentencing.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 19, 2015